

ORDINANCE 2020-08-06-0476

**AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE
INTERLOCAL AGREEMENT WITH BEXAR COUNTY FOR REGIONAL
FLOOD CONTROL PROJECTS AS PART OF BEXAR COUNTY FLOOD
CONTROL CAPITAL IMPROVEMENT PROJECTS LOCATED CITYWIDE.**

* * * * *

WHEREAS, as a result of a severe flood in 1998, the Bexar County Commissioners Court and the San Antonio City Council created a Countywide Citizens Master Plan Committee to review and prioritize flood control projects in the Cibolo Creek, Leon Creek, Salado Creek, Medina Creek and San Antonio River watersheds; and

WHEREAS, in 2007, the Bexar County Commissioners Court established the Bexar County Flood Control to manage the design and construction of these regional flood control projects, and approximately \$500 million will be spent on regional flood control projects by Bexar County, both inside and outside the city limits of San Antonio; and

WHEREAS, on January 15, 2009, an Interlocal Agreement (ILA) was approved by City Council through Ordinance 2009-01-15-0029 to establish the terms and conditions for 18 regional watershed flood control projects within the city limits of San Antonio to be managed and constructed by Bexar County; and

WHEREAS, two amendments approved on June 21, 2012, and on March 13, 2014, added a total of 34 regional watershed flood control projects, a third amendment approved June 21, 2016, and fourth approved September 19, 2019, added 53 and 7 High Water Detention Sites (HWDS), respectively, within City limits to be designed and constructed by the County and maintained by the City; and

WHEREAS, this amendment will allow for the addition of two (2) new HWDS to be designed and constructed by Bexar County with continuation of responsibilities as outlined in the ILA, as amended; and

WHEREAS, Public Works Department has determined a fifth amendment to the ILA with Bexar County is the most efficient way the City can provide funding, project management, construction, maintenance and repair upon completion and acceptance of the projects; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:


SECTION 1. The City Manager or the City Manager's Designee is authorized to execute an amendment to the Interlocal Agreement for Watershed Projects with Bexar County. Said amendment to the Interlocal Agreement appears in **Attachment I** attached hereto and incorporated herein for all purposes.

SECTION 2. No fiscal ordinance language is required.


SECTION 3. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 4. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED this 6th day of August, 2020.

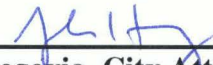

M A Y O R
Ron Nirenberg

ATTEST:



Tina Flores, Acting City Clerk

APPROVED AS TO FORM:



Andrew Segovia, City Attorney
For



City of San Antonio

City Council

August 06, 2020

Item: 18

File Number: 20-4018

Enactment Number:

2020-08-06-0476

Ordinance approving an amendment to the Interlocal Agreement with Bexar County for regional flood control projects as part of Bexar County Flood Control Capital Improvement Projects located citywide. [Roderick Sanchez, Assistant City Manager; Razi Hosseini, Director, Public Works]

Councilmember Jada Andrews-Sullivan made a motion to approve. Councilmember John Courage seconded the motion. The motion passed by the following vote:

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia,
Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

JH
8/6/2020
Item No. 18

Attachment I

STATE OF TEXAS

COUNTY OF BEXAR

§ FIFTH AMENDMENT TO
§ INTERLOCAL AGREEMENT FOR
§ WATERSHED PROJECTS

THIS FIFTH AMENDMENT TO INTERLOCAL AGREEMENT FOR WATERSHED PROJECTS ("Fifth Amendment") is effective as of the _____ day of _____, 2020 ("Effective Date") by and between **COUNTY OF BEXAR** a political subdivision of the State of Texas ("County"), and **CITY OF SAN ANTONIO, TEXAS**, a Texas Home Rule Municipality ("City"). This Fifth Amendment is entered into by County and City pursuant to the authority granted by the provisions of the Interlocal Cooperation Act, Texas Government Code, Chapter 791.

WITNESSETH

WHEREAS, County and City have historically worked together to fund and deliver watershed management projects to benefit the citizens of Bexar County which was accomplished through interlocal agreements between the Parties and by contracts with other governmental entities and private sector service providers; and

WHEREAS, through the Texas Local Government Code, Chapter 561, the commissioners court of a county may contract with a governmental unit, including a municipality, to jointly construct or maintain improvements for the purpose of providing flood control or drainage as it relates to flood control; and

WHEREAS, County, City, and the San Antonio River Authority entered into an Interlocal Agreement in 2003 for the implementation of a Regional Management Program for unified and equitable flood control, drainage, and storm water management; and

WHEREAS, County has selected the Projects described herein from the Regional Management Program; and

WHEREAS, County desires to improve City's existing drainage improvements designated and referenced herein, collectively, as Projects or, individually, as Project, through County's provision of funding and project management during the design and construction phases of the Projects; and

WHEREAS, if City does not have fee interest or easement rights in the land or parcels of land upon which the Project is constructed and all other parcels or easements necessary for the Project's flood control, drainage or storm water management operations, upon Substantial Completion, City shall accept transfer from COUNTY or San Antonio River Authority of its fee interests or easement rights in the parcels of land and improvements; and

WHEREAS, upon Substantial Completion, City will provide funding for maintenance and repair of the Projects; and

WHEREAS, the Agreement establishes and promotes collaborative management of the Projects through: (1) City's provision of oversight of County's management of the Projects

through Substantial Completion; and (2) City's maintenance and repair of the Projects' improvements following Substantial Completion of the Projects;

WHEREAS, this Fifth Amendment is amending the Agreement that commenced on June 12, 2012 for a Term of ten (10) years in order to include two (2) projects.

NOW, THEREFORE, in consideration of mutual covenants and agreements contained herein, the undersigned Parties agree to the terms and conditions set out below.

ARTICLE I
RECITALS

- 1.01 The foregoing recitals are incorporated into the terms of this Agreement and shall be binding on the Parties.

ARTICLE II
MODIFICATION TO AGREEMENT AND TERM

- 2.01 The purpose of this Fifth Amendment is to recognize the continuation of the terms and conditions established in the Agreement, as amended, for: (1) managing the design and construction associated with the Projects; (2) funding the construction; (3) transfer of fee interest or easement rights in land and improvements; and (4) operating and maintaining the Projects upon Substantial Completion of the construction.
- 2.02 Attached hereto and incorporated herein as Exhibit A are two (2) projects that the County desires to include in the Projects subject to the terms of the Agreement, as amended. It shall not be a breach of this Agreement if these Projects are not commenced during the Term since the Projects were approved by Bexar County Commissioners Court during the Term of the Agreement.

ARTICLE III
OTHER TERMS AND CONDITIONS

- 3.01 All other terms and conditions of the Agreement, as amended, between the County and the City are unchanged and remain in full force and effect.

EXECUTED IN DUPLICATE ORIGINALS, EACH OF WHICH SHALL HAVE THE FULL FORCE AND AFFECT OF AN ORIGINAL, ON THIS THE _____ DAY OF _____, 2020

COUNTY OF BEXAR

By: _____

NELSON W. WOLFF
County Judge
6-2-2020

APPROVED AS TO LEGAL FORM:

PATRICIA G. PROWSE *Sisobhan K. Kanger*
Assistant Criminal District Attorney
Civil Division

APPROVED AS TO FINANCIAL
CONTENT:

LEO S. CALDERA, CIA, CGAP
County Auditor

DAVID SMITH
County Manager

APPROVED:

BY: _____

RENEE D. GREEN, PE
For Director of Public Works/County
Engineer

CITY OF SAN ANTONIO, TEXAS

By: _____

ERIK WALSH
City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

ANDREW SEGOVIA
City Attorney

APPROVED:

BY: _____

RAZI HOSSEINI, P.E., R.P.L.S.
Director of Public Works/City
Engineer



"EXHIBIT A"
PUBLIC WORKS DEPARTMENT
Flood Control

**Project: Heuermann Rd at Maverick
Creek Tributary 6**

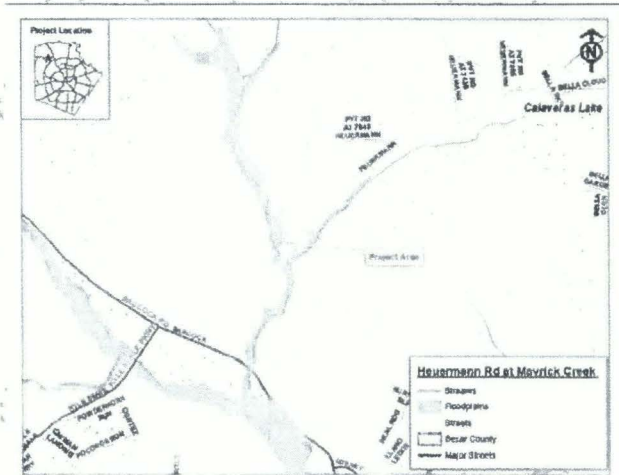
Precinct: 3

Type of Project:
Low Water Crossing

Watershed: Leon Creek

Scope: This project will evaluate the existing low water crossing at the unnamed tributary to Maverick Creek to provide access for higher frequency storm events.

Status: Planning



Additional Information:

Total Budget Need: \$ 6,630,000

Proposed FY Budget FY 2018 – 2019: N/A

Proposed FY Budget 2019 – 2020: \$ 1,080,000



PUBLIC WORKS DEPARTMENT

Flood Control

Project: Bulverde Rd at Tributary of Elm Waterhole Creek

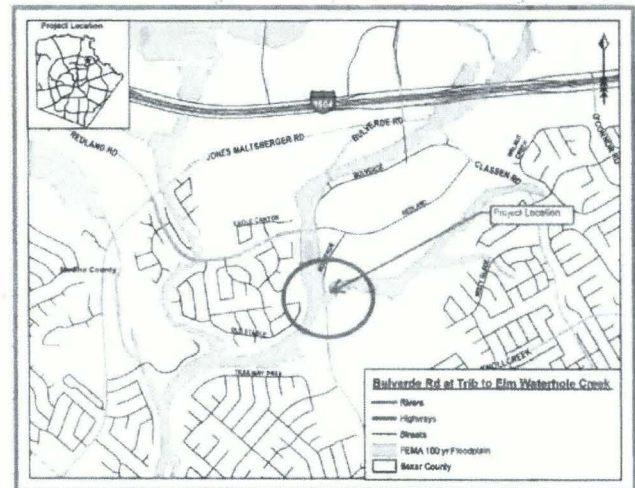
Precinct: 3

Type of Project:
Low Water Crossing

Watershed: Salado Creek

Scope: Design and construction of a drainage structure capable of passing FEMA floodplain under Bulverde Road at tributary to Elm Waterhole Creek.

Status: Planning






























Additional Information:

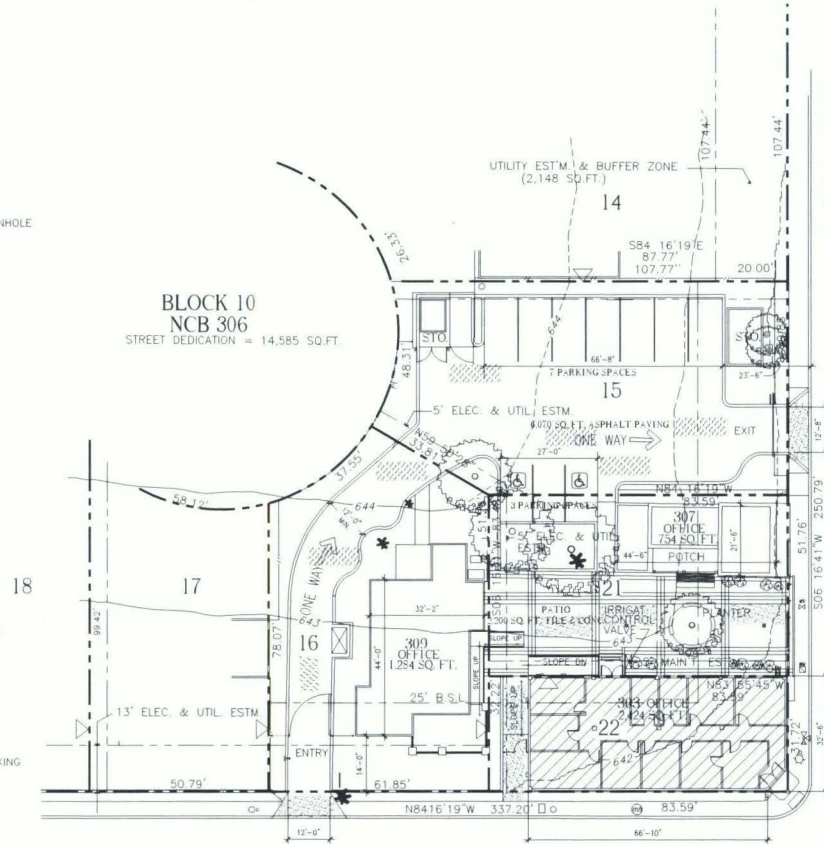
Total Budget Need: \$ 4,162,000

Proposed FY Budget FY 2018 – 2019: N/A

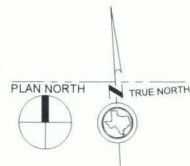
Proposed FY Budget 2019 – 2020: \$ 520,000

LEGEND

- | | |
|---|---------------------------------|
|  | EXISTING UTILITY POLE |
|  | EXISTING MANHOLE |
|  | EXISTING GRATE INLET |
|  | EXISTING SANITARY SEWER MANHOLE |
|  | EXISTING SANITARY CLEANOUT |
|  | EXISTING FIRE HYDRANT |
|  | EXISTING WATER VALVE |
|  | EXISTING WATER METER |
|  | EXISTING IRRIGATION VALVE |
|  | EXISTING GAS VALVE |
|  | EXISTING GAS METER |
|  | EXISTING ELECTRICAL BOX |
|  | EXISTING ELECTRIC METER |
|  | EXISTING TRAFFIC BOX |
|  | EXISTING A/C UNIT |
|  | EXISTING LIGHT POLE |
|  | EXISTING TRAFFIC LIGHT |
|  | EXISTING SIGN |
|  | EXISTING VERTICAL PIPE |
|  | EXISTING BOLLARD |
|  | EXISTING BENCH MARK |
|  | EXISTING TREE |
|  | EXISTING CONCRETE FLATWORK |
|  | EXISTING PAVERS |
|  | EXISTING ASPHALT PAVEMENT |
|  | EXISTING BUILDING OUTLINE |
|  | EXISTING H/C PAVEMENT MARKING |



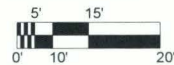
-----EL PASO STREET



01
C-1

SITE PLAN

SCALE: 1/16"=1'-0"



303 El Paso St.: a masonry building of approximately 2,424 S.F. and has a building height of 15'-6"[±].
Use: 4 Residential Units

307 El Paso St.: a masonry & wood frame structure of approximately 754 S.F.
Use: 1 Residential Unit

309 El Paso St.: a wood frame structure of approximately 1,284 S.F.
Use: 2 Residential Units

PECOS STREET
IH 35

C-1

SHT No. OF SHTS